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**Environmental Protection of  
International River Basins Project**  
Contract No. 2011/279-666

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A project implemented by a Consortium  
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**Environmental Protection of International River Basins Project (EPIRBP)**

**Date: 2nd March 2012, 2pm, Ministry of Ecology and Natural Resources of Ukraine  
35 Urytskogo Street, Kyiv, Ukraine  
Room 420**

**Total duration of kick-off meeting: 77 minutes**

**Agenda:**

- Presentation of EPIRB Project (by Human Dynamics)
- Comments to the Terms of Reference and project documents
- Project registration
- Involvement of beneficiaries
- Discussion on possible pilot basins

**Participants:**

**Ministry of Ecology and Natural Resources of Ukraine (MENR)**

- **Oleg Shevchenko**, Deputy Head of the Department/Head of the Division of the National Ecological Policy and International Affairs (*kick-off meeting chairman*)
- **Bilokon' Volodymyr**, Deputy Head of the Department of the State Ecological Policy and International Affairs
- **Mykola Babych**, Adviser to the Minister of MENR
- **Oleksandr Bon'**, Deputy Head of the Division of the Water Ecological Systems and Resources
- **Dmytro Averin**, Head of the Department of the State Ecological Monitoring
- **Mykola Pylypchuk**, Director of the Centre for Financial and Economical Mechanisms Implementation for Environmental Protection, State Ecological Academy for Postgraduate Studies and Management (SEAPS), subordinated to MENR
- **Vasylyna Polishuk**, Chief Specialist of the Division of the Cooperation with Mass Media and Public Relations
- **Natalia Koval'chuk**, Chief Legal Council

**Ministry of Emergency Situations of Ukraine (MES)**

- **Oleksandr Kosovets**, Director of the Central Geophysical Observatory (a representative of the Hydromet Service)

**State Agency for Water Resources of Ukraine (SAWR)**

- **Oleksiy Chunariov**, Deputy Chairman

**EU Delegation to Ukraine (EUD)**

- **Oleksander Klitko**, Manager of the Ecological Programs of the EU Delegation to Ukraine



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### Human Dynamics

- **Andriy Demydenko**, Team Leader
- **Tumennasan Dolgor**, Project Director
- **Evgenii Grigorenko**, Kyiv office Manager

### Experts

- **Alexei Iarochевич**, Team Leader of the EU Project to support the Danube and Ramsar Conventions in Ukraine
- **Reinhard Danneleit**, Team Leader, Complementary support to the MENR of Ukraine for the Sector Budget Support Implementation, an EU funded project managed by EPTISA Consortium
- **Anna Golubovska-Onisimova**, Capacity Building, Coordination and Visibility Expert, Complementary support to the MENR of Ukraine for the Sector Budget Support Implementation, an EU funded project managed by EPTISA Consortium

## Summary of Discussion

### Official welcoming

The meeting was opened by Mr Oleg Shevchenko. After all participants have introduced themselves, Andriy Demydenko began his presentation. He described project management structure and its objectives, expected results, progress indicators and envisaged activities. Detailed presentation was found necessary because, as it was discovered during invitation of stakeholders and beneficiaries, most of them had no information about the project. Finally, Andriy Demydenko presented what the project expects from the kick-off meeting:

- National Coordination Committee composition (by MENR order)
- Pilot basins selection
- Coordination with SBS and other projects
- Formalized relations with water agencies/River Basin Organizations dealing with monitoring and River Basin Management Plans

Mr. Oleg Shevchenko informed that according to the legislation of Ukraine currently in force the Central Executive Authority of Ukraine responsible for water management in Ukraine is MENR. The other beneficiaries include: agencies, basin departments of water resources, ecological inspection, hydro-meteorological centre and regional administrations.

Mr. Shevchenko mentioned that the Project is very acute for Ukraine in political sense. In particular, it relates to the perspectives of signing the Association Agreement between Ukraine and EU. MENR has issued the order # 571 (as of December 26, 2011) regarding the adaptation of the UA legislation with the legislation of EU. The order is called "As for preparation of the Base plan for adaptation of ecological legislation of Ukraine to the legislation of EU (legal aspects)."

Mr Shevchenko underlined that the adaptation plan includes 6 Directives of the EU in respect to water quality and management of water resources, including the sea environment and underground environment. Among the recommended activities within the framework of these Directives there are some key aspects:



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1. Prepare the Law of Ukraine on introduction of changes to the Water Code of Ukraine, adjust terminology, and appoint the authorized body for river basins management.
2. Specify the regulation about the basin management authorities of water resources (BUVR) and delegate to them some functions foreseen in the Water Framework Directive.
3. Ensure the implementation of basin water management principles by means of zoning the territory of Ukraine, this has to be reflected in the Ukrainian legislation; ensure the formation of the institutional management structure to manage water resources by the basin principle; develop criteria to assess the river basin conditions and legally secure them; develop and approve the basin water management plans and methodology for their preparation; develop the methodology for the preparation of activity programs foreseen in the article #11 of WFD.

Also, the responsibilities that Ukraine will take after the ratification of the Association Agreement include the acceptance of the time constraints required for the adaptation of WFD. It is for 10 years after the Association Agreement will become effective. Although, the development and implementation of RBMPs are not required by current Ukrainian legislation, however, the further adaptation of the UA ecological legislation to EU legislation will require the development of such plans. The reference point will be the date when Association Agreement becomes effective.

As for the Steering Committee Mr. Shevchenko pointed out that the ToR of the Project do not reflect the initial suggestions made by MENR, though the EC had guaranteed to MENR that all their remarks would have been taken into account. Mr Shevchenko referred also to a letter with guarantees which has been sent by the EC to the MENR and that most likely was also sent to the EU Delegation as well.

Mr. Shevchenko believes that Ukraine, as well as other countries listed in the ToR of the Project, will be concerned about the Project Management issue. Previously, when it came to the implementation of projects on Waste Governance and Air Quality Governance, it was stated in the projects ToR that the Regional Steering Committee is the Managing of the project. Mr. Shevchenko was concerned that without specifying a reason, the ToRs of the EPIRBP indicate it is the Project Manager, as a person from the implementing Consortium, who makes decisions. According to Mr. Shevchenko, this method of project management is not acceptable, as it contradicts the Paris Declaration and the requirements of any other project. It was suggested that in EPIRB the decisions have to be taken and the Project has to be managed collectively through vote and by consensus between all Steering Committee members.

Mr. Shevchenko understands that the Steering Committees should include representatives from those organizations that were present at the kick-off meeting as well as representatives from the Ukrainian Regional Administrations representing the territories where project will be implemented, which have to be selected and approved by MENR.

Mr. Shevchenko is concerned that execution of current ToRs will result in significant complications and undermine the effectiveness of the project.

Mr. Oleksander Klitko welcomed the beginning of the EPIRBP and wished good cooperation on project from the EUD side and in particular from Mr. Hans Rheis, the Head of Operations of EUD.



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Mr. Klitko said the EUD is very interested in the positive outcomes of the Project implementation, saying that those outcomes will help in the first turn the MENR and all other people working in the ecological sphere to accomplish serious tasks faced by the National Ecological Strategy. Mr. Klitko has emphasized that for the last 10 years the water sector of Ukraine received financing for 5 large projects and the EPIRBP is the sixth project. In particular, the financed and implemented projects were related to Tisza basin; rivers Uzh-Latorytsya, Prypyat, Siversky Donets. After that the Water Governance Project and the EU Water Initiative Project (Phase I) projects were implemented. The EPIRBP is very important for Ukraine and other NIS countries. It gives an opportunity to show that NIS countries have capacities to perform the tasks of WFD and to demonstrate that NIS countries are able to work cooperatively with EU countries. He continued that, as Mr Demydenko mentioned, the issue of the Project coordination is the most important one. With respect to this, since March 1<sup>st</sup> the EU Delegation together with MENR began a Sector Budget Support (SBS) project in the environmental field and in a few weeks the EU Water Initiative Project (Phase II) will start, in cooperation with MENR and the Ministry of the Regional Development (MRD). The aim of the Phase II of the project is to support the National dialogue in the water sector. The Ministers of MENR and MRD received the letters from EUD regarding the kick-off meeting in respect to the continuation of EU Water Initiative Project (Phase II) more than 2 weeks ago and have already started the coordination work between them. The EUWI project implementer is the OECD. OECD representatives have a copy of the letter that was sent to MENR by EUD and will soon contact MENR to start the work on the project.

Mr. Klitko has also introduced Olexii Iaroshevych, who attended the kick-off meeting as well. Mr. Iaroshevych is the Team Leader of an EU Project that provides assistance to MENR for meeting the obligations of Ukraine in regard to the implementation of the Danube and Ramsar Conventions. Previously, Mr. Iaroshevych worked on the Tisza river regional basin plan. This allows some form of project coordination experience. Furthermore, the EU Delegation has suggested MENR to coordinate the work of the EPIRB Project. In order to coordinate the ongoing projects in the water sector, it was proposed to organize inter-project meetings composed of the Team Leaders of different project, representatives from the Water agency and the MENR. Mr. Klitko claimed that all projects would benefit from such meetings, not only in terms of completing tasks, but also to ensure that MENR gets the maximum possible impact through an effective inter-project cooperation. The EU Delegation committed to coordinate this work for the EU projects. However, MENR should have an opportunity for direct coordination of the projects in the water area at large.

As for the EPIRBP ToRs, Mr. Klitko pointed out that he did not find in the text of ToR that the Project is to be managed by the Consultant. The Regional Steering Committee is the body which always has the highest possible level of guidance for the work of the project. The role of the Regional Steering Committee is to endorse the work done by the project or recommend additional work on the project components that were not performed properly. He asked whether there is a possibility that the word "Project Manager" has been misinterpreted. In the context of EPIRBP ToRs it means that the Project is managed by the European Commission in Brussels. It means that the EC receives from the Consultant a project report that has to be assessed by the Regional



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Steering Committee before final approval. The Project Manager is taking decisions on whether or not to approve the project results for a particular period that report is covering and authorise spending decisions. This practice corresponds to the requirements of all projects. Thus, by mentioning the “Project Manager”, the ToRs refer to the Manager based in Brussels and not the one from the Consortium (the Consultant). The Consortium has a project implementer role only. The competence for guiding the Project lies within the Regional Steering Committee.

Mr. Klitko continued about Mr Shevchenko’s remark on the ToR of the EPIRBP, saying that unfortunately, the EC received MENR’s remarks far after the deadline. The EC confirmed that all MENR remarks have been sent to the Consultant, who should deal with them during the inception phase of the project in order to meet as much as possible the Government’s concerns.

Mr. Klitko expressed his belief that the EPIRB Project will be one of main EUD funded projects, especially given the fact that the offices of the Project are located in Ukraine and in Tbilisi, in Georgia.

The participants of the meeting further provided their comments:

Mr. Volodymyr Bilokon agreed and supported Mr. Shevchenko’s view regarding the Project Management issue. He pointed out that it is clearly written in ToRs that Regional and National Steering Committees make recommendations, while the final decision is made at the level of the Project. Furthermore, Mr. Bilokon refers to the paragraph in the ToRs where it is stated that “the final approval and decision making authority remains with the Contracting Authority represented by EC Project Manager”.

In this regard, Mr. Andriy Demydenko confirmed and stressed the point that the EC Project Manager is based in Brussels.

Furthermore, Mr. Klitko said that the Regional Steering Committee will make a decision whether to support the project report or will ask to further develop the project report. If it will be required to enhance the report then the Consortium will be responsible for this task. In case the Consortium will not complete this task, then the Regional Steering Committee will not endorse the report and correspondingly Brussels will not approve it as well. Thus, the report is approved after the Regional Steering Committee has expressed its views. Mr. Klitko stressed that there is no contradictions regarding this point because it is not the Team Leader, as Mr Shevchenko said, who makes a decision, because the Team Leader is a project implementer.

However, Mr. Shevchenko said that it is important that the final decision is made by the Regional Steering Committee. Nonetheless, it is written in the ToR that the Regional Steering Committee only has advisory functions.

Mr. Klitko stated that the Regional Steering Committee has advisory functions and the most important is whether the decision will be positive or negative.



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Mr. Shevchenko agreed with the point to assign the Regional Steering Committee advisory functions in the decision making.

Mr. Shevchenko expected that the EPIRBP will support the transparency initiative as it was in the case of SBS project that was started on the 1<sup>st</sup> March. Furthermore, he suggested that all environmental projects in Ukraine should place the information about their projects on the web site of MENR. The information should contain: project description, a link to the project website (if such site exists) and the information about the project experts. This is important in order to stop the practice of non-transparent selection of experts and this is the reason, why it was suggested to place all technical tasks for project participants and experts on the MENR website. Moreover, it was suggested that there must be at least 3 candidates per each expert position. It would be also required to establish a Commission that would be represented by one or more representatives from the Consortium, one or more representative from the Beneficiary (state structures), representatives from the stakeholders, and a representative from the EUD. The final decision has to be made and approved collectively. The names of the selected experts will be announced on the website of MENR. Nonetheless, the website of MENR will be used for making official comments and to highlight existing problems. Mr. Shevchenko hopes that the SBS and EPIRBP will agree to provide such information.

Mr. Reinhard Danneleit supported the idea of inter-projects cooperation and idea for providing information to the MENR site.

Mr. Shevchenko has asked if Mr. Oleksiy Chunariov has any comments to add, however, Mr. Chunariov did not have any additional remarks.

Furthermore, Mr. Andriy Demydenko expressed his position regarding the issues that were discussed. Firstly, he supported the MENR idea to place the project information and information about experts on the web site of the MENR as the experts needed for the project will visit the site of MENR for the first turn rather than the site of EUD. Technical details should be discussed later. Secondly, as for the managing aspect, he mentioned that project team has been instructed by the European Commission headquarters in Brussels to collect all proposals, suggestions and remarks – no matter why they did not appear in the initial ToRs, process them and produce the inception report and pass the report to the decision making authority for approval. The task of the Consultant is to reflect in the inception report all suggestions and remarks collected from the state water authorities in Ukraine and in other project countries. The inception report will be first reconciled with the Ministries of the project countries and only after that the final inception report will be created and submitted to the Regional Steering Committee. Mr. Demydenko also thanked for the comments made by Mr. Klitko on this matter.

Thirdly, Mr. Demydenko thanked Mr. Shevchenko for comments about plans of Ukraine regarding RBMPs and strategy, as it makes a bridge between the river basin management plans which are developed by MENR and the pilot trans-boundary territories in the project. Mr. Demydenko believes that this will be an important cooperative work. He proposed to agree who from the



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Ukrainian side will select the pilot basins (river basin projects) in order to start immediately working with them.

He also agreed to include representatives of the Regional Administration into the National Coordination Committee but proposed to do this not on a regional basis, but on the basis of the river basins and then invite the representatives from the Regional Administrations which represent the pilot river basins. Nevertheless, he suggested to include into the National Coordination Committee the representatives from the Basin Councils created in Ukraine. It is desirable, that those representatives should be the specialized community representatives dealing with the creation of the Basin Councils in the pilot river basins.

Finally, Mr. Demydenko confirmed that the project is open for any form of coordination and independently from the form of this coordination, promised to take an active part in its work.

In addition to previous remarks to the project, Mr. Oleg Shevchenko reminded that due to the administrative reform which is still in progress in Ukraine, there are ongoing staff cuts in the ministry. This results in redistribution of job responsibilities within the staff of MENR. Furthermore, it is important for MENR to have a National Coordinator, who as it was in Waste Management and Air Quality Management projects would be responsible for a liaison with the Project and MENR. Due to the staff cuts the employees of MENR are overloaded with work. He noted that 5 project countries will have National Coordinators (Country Water Managers) and for Ukraine this was not foreseen. He insisted that Ukraine should also have the National Coordinator suggested by MENR and agreed with all interested parties. He asked to inform him about the decision regarding the National Coordinator in Ukraine.

Mr. Andriy Demydenko mentioned that the same comments have been made by him at the kick-off meeting on the 1<sup>st</sup> February. He promised to include these comments in the inception report.

Mr. Reinhard Danneleit supported the idea of inter-project cooperation and suggested the exchange of observers in the Steering Committees of the projects to ensure the horizontal cooperation.

In this regard, Mr. Andriy Demydenko added that he welcomes the exchange of observers.

Following this, Mr. Bilokon suggested to delegate observers from the Waste Management and Air Quality Management projects to participate in such exchange and to have a delegate from EUD to participate in such Steering Committees.

Mr. Klitko asked for the participation of Mr. Andriy Demydenko in the work of the Steering Committee of the SBS project and said they will invite the Team Leaders from other projects to participate in the work of EPIRBP Project. He said that EUD values all projects, but the EPIRBP will have the central role in Ukraine.

Mr. Andriy Demydenko promised his participation.



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Mr. Bilokon agreed with Mr. Klitko's statement. Furthermore, he said that in the nearest future MENR will determine the contact persons who will be responsible for all 9 indicators within the framework of the SBS Agreement. Correspondingly, MENR is preparing the appeal letter to the State Water Agency and State Ecological Inspection to provide the candidates from their side who will be responsible for cooperation within the framework of the SBS Agreement. The person who will be responsible for the water indicators should be familiar with the work results of the EPIRBP. Mr. Bilokon asked Mr. Andriy Demydenko as Team Leader: How to resolve such paradox that on one side the management plans will be discussed at the international level, for example, between Moldova and Ukraine or between Belarus and Ukraine, while, at the same time, Basin Agreements with those countries do not exist? On the one hand, there are persons responsible for the trans-border water objects at the Water Agency level, but on the other hand, it includes the European experience of the Basin Agreements and basin cooperation in the field of using a basin nature management (forest, soil, ground, water and etc.)? He asked Mr. Demydenko what will be his attitude towards these issues within the framework of the project?

Mr. Andriy Demydenko mentioned that, as far as he is concerned, all issues could be solved within those bilateral water agreements signed by Ukraine with its neighbours in 1992-1993. For instance, Dnipro River was signed in 2003, but it does not work, probably due to a lack of will. If there is will, there is a way. Expressed personal surprise that Ukraine didn't propose the (upper part of) Dnipro as a pilot basin for trilateral trans-boundary cooperation in EPIRBP. Based on that, some policy aspects might negatively affect possible cooperation. For example, during cooperation on Siversky Donets (within the Joint Rivers project) people in Rostov were interested in basin cooperation; however, they did not have authority for international relations which remained in Moscow. Mr. Demydenko said that whatever needs to be done should be done, and every particular opportunity has to be used to run the project. Thus, for example, if Ukraine and Moldova will sign the Dniester Basin Agreement, then it could be spread on Prut River.

Mr. Bilokon wanted to clarify if there will be a progress with an agreement with Moldova, will then assistance from the Project's side be provided?

Mr. Andriy Demydenko assured that assistance will be provided, as the key approach of the project includes bringing some general principles of the WFD which can be adjusted to the particular situation in a particular trans-boundary basin.

Mr. Andriy Demydenko said that there will be no imposition of ideas and only the general principles of the WFD will be used. However, those principles first have to be agreed and he assured to contribute as much as possible in a particular situation. Mr. Demydenko also asked if MENR has already agreed with the suggested pilot basins of Prypyat and Prut as there is a need to select the pilot basins of all rivers in all countries.

Mr. Alexei Iarochovich had a remark to provide some details on Prut River situation. There is an international structure on Prut River, as both Ukraine and Moldova are members of Danube



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Convention. Thus, both countries already have international obligations and there is already a platform for cooperation and a working structure in place.

Mr Babych suggested Dniester as probably, the most interesting pilot basin river for Ukraine. A basin agreement on Dniester River has almost been signed. However, from the practical point of view the Dniester River pilot basin region within the framework of the Project would be very interesting to Ukraine because Dniester starts its flow in the country, then it goes through Moldova and then it flows again into Ukraine. Thus, water quality, waterlogging, floods, pollutions and other issues are of great importance for Ukraine.

After this remark, Mr. Shevchenko asked Mr. Andriy Demydenko to send the letter with pilot basin proposals to MENR in written form and the Ministry will officially reply to the this letter with its suggestions.

Furthermore, Mr. Oleksandr Kosovets raised a question about the data requirement for the project, i.e., hydro-chemical or hydro-biological indicators, which might be required soon. He has also mentioned the regulation #1102 of the Cabinet of Ministers of Ukraine as of October 26, 2011. Mr. Kosovets drew attention to the paragraph #3 of this regulation, which indicates that some departments (for example, Hydrometeorology Service Department) of the Ministry of Emergency may provide paid data services to the non-governmental structures (for the government structures the data is free of charge). Thus, he raised a question how to solve this issue as the state employees cannot ignore this regulation.

Mr. Shevchenko explained that as this project is for Ukraine, it will be MENR that will make a request for data. The MENR will get the data from MES. The Project, in this case, would be the subsidiary body that helps MENR to work in Ukraine.

Mr. Andriy Demydenko added, referring to the ToR of the Project, that there are some expenses foreseen in the project budget to buy data from the Agencies which are not Beneficiaries to the Project. If the Hydrometeorology Service is the Beneficiary of the Project, then it cannot be paid for the data. If there will be a need for data from a non-beneficiary organisation, for example, GIS data, in this case the payment will be done from the project budget.

Mr. Bon' stated that this project will be helpful to the MENR to do some work that for objective reasons the Ministry cannot do itself. Therefore, the ministry should try to use any possible financial and expert resources of the Project to help the Ministry to perform the tasks associated with the WFD as efficient as possible. Moreover, in the nearest time it would be useful to have a meeting with the Project Team to discuss the tasks, goals of the Projects and the ways for their implementation. In order to understand the way the Project will be implemented, what will be the outcomes after its completion, what indicators should be reached at the final stage. For all this the meeting is needed and favoured to ask for.

Mr. Shevchenko supports the point of Mr. Bon.



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Mr. Andriy Demydenko said that from the beginning of the 4th month of the Project (from early May 2012), an expert should discuss with designated beneficiaries the issues raised by Mr Bon'. Nevertheless, such meetings are scheduled in the Project plan.

Mr. Shevchenko asked Mr. Demydenko, to ensure the maximum initiative, efficiency and transparency of the Project.

Furthermore, Mr. Klitko stated that according to the latest regulation issued by the Cabinet of Ministers of Ukraine, when registering the Project, there is a requirement to prepare the Procurement Plan. If it is planned to buy VAT exempted goods or services that require from the Ministry of Economy a special VAT exemption letter, then it should be well thought what to include into the Procurement Plan. The VAT exemption issue is a very acute issue now. If there is no Procurement Plan, the Ministry of Economy will not register the Project. However, he does not exclude that the Procurement Plan will not be developed.

Mr. Andriy Demydenko said that no equipment will be purchased.

Mr. Shevchenko thanked for the very good point regarding the registration. According to Mr Shevchenko the registration of the Project has to be started immediately and he assumed to have already sent all necessary information regarding the registration to Mr. Demydenko. Moreover, according to the Ukrainian legislation in force official communication can be done with the Project team only if the official Project is registered. Thus, the kick-off meeting is a formal meeting from one side and informal from the other side. Mr. Shevchenko encouraged to start registering the Project, particularly since there is limited time left for this. In this regard, MENR will provide consultations, if needed, in order to support the project registration.

Mr. Andriy Demydenko assured that the registration process has already started and he thanked for the submitted registration materials.

Mr. Shevchenko asked to note that in case there will be overseas Project Staff working in Ukraine then the registration for work is also needed and this requires a very complex work.

To conclude, Mr. Shevchenko summarized the meeting. Firstly, he officially announced that MENR will support the Project in every possible way and is ready to take up the function of the coordinating body for the Project in Ukraine. Secondly, he expressed willingness to work together (MENR, Water Agencies, Hydro-meteorological Service, other state water structures) and do the work like peer partners. The Project is of high importance to Ukraine. Finally, he addressed a remark to the representatives of the Steering Committees. He believed it will be someone from MENR present in the meeting, either Mr. Babych or Mr. Shevchenko himself, or maybe someone else. Partners will be officially informed about this decision.



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Mr. Andriy Demydenko thanked Mr. Shevchenko and pointed out that there are two Steering Committees – Regional and National. He supposed that the National Coordination Committee could have more than one representative from MENR.

Mr. Shevchenko explained that according to the ToRs it will be one person for both Committees.

However, Mr. Andriy Demydenko suggested that the National Committee could have more members including beneficiaries from water (including groundwater) agencies, river basins organizations and monitoring institutions.

Mr. Shevchenko said that the National Steering Committee would include someone from the International Department (MENR) and Coordination Person. Mr. Shevchenko thanked all participants for attending the meeting and announced the end of the meeting.